

**INDIANA ADVISORY COMMITTEE TO  
THE U.S. COMMISSION ON CIVIL RIGHTS  
MEETING MINUTES**

October 19, 2016

The Indiana Advisory Committee to the U.S. Commission on Civil Rights (Committee) convened via conference call to discuss a draft report regarding civil rights concerns relating to the “school to prison pipeline” in the State. Diane Clements-Boyd chaired the meeting and performed the initial roll call of committee members present. The meeting was open to the public and took place from 2:00 PM- 3:27 PM EDT.

**Present:**

- Diane Clements-Boyd
- Carlton Waterhouse
- Ellen Wu
- Ernesto Palomo
- James Haigh
- Libby Cierzniak
- Richard Garnett
- Robert Dion

**Absent:**

- Tammi Davis
- Catherine Zuckert
- Bill McGill
- Leslie Hiner
- Patti O'Callaghan
- Tony Kirkland
- Chris Douglas

**Commission Staff Present**

- Wojnaroski, Melissa (DFO)

**Members of the Public Present**

- Cheryl Clemens, Decoding Dyslexia Indiana
- Debi Ketron, Indiana Association of Home Educators

**Meeting Notes/ Decisions Made:**

The Committee reviewed a draft report of the testimony received regarding the Committee’s study on civil rights and the school to prison pipeline in the state (see attached).

The Committee made the following amendments:

1. The following sentence was stricken from the report: on page 35, the last sentence of the first paragraph which reads, “Yet, presently in Indiana no mechanism currently exists to ensure that children attending non-accredited nonpublic schools such as home education are indeed receiving the ‘equivalent education’ required by law.”
2. On page 35, line 5, the term “ill equipped” was changed to “unable.”
3. The table on page 47, “total costs” was corrected to \$21,470,000,000
4. In the Recommendations section, protected categories specifically mentioned were expanded to include race, color, sex, national origin, and disability status throughout.

5. Recommendation 1(c) was amended to read: “The Department should study the possibility of requiring ongoing anti-bias, cultural competency, and trauma-informed training as a condition of receiving federal funding. School discipline interventions should not be neutral in nature, but should take into consideration approaches that address race, color, sex, national origin, and disability disparities.”
6. Recommendation 1(h) was amended to read: “The Department should act to enforce Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990 with regards to institutions with policies and practices that demonstrate a disparate impact on the basis of race, color, sex national origin or disability.”
7. Recommendation 2(b) was amended to read: “The Department should take steps to rigorously enforce civil rights statutes prohibiting the disparate treatment of students on the basis of race, color, sex, national origin and disability. This recommendation comes as a result of testimony and statistics relating to elements associated with a prima facie case of discrimination.”

**Public Comment:**

- Debi Ketron of the Indiana Association of Home Educators (IAHE) noted the following:
  - The homeschool community is very sensitive to issues pertaining to home education similar to the Committee’s attention to issues pertaining to civil rights.
  - The IAHE was concerned that some people might misconstrue the intent of the Committee in its discussion on homeschooling in the report.
  - She thanked the Committee for deleting the sentence noted in amendment 1 above
  - She noted that IAHE instructs homeschoolers about what it means to provide equivalent education
  - IAHE also trains parents about how to homeschool free of charge
  - She noted that low income home school families are doing a fabulous job. There are free and low-cost curriculum available
  - She stated that some families lack motivation to make sure that their children are educated, and she believes that is the problem with the school to prison pipeline. She stated that the resources are available if people are motivated to educate their children; schools should not be making the determination as to whether or not a family is motivated.

**Next Steps:**

- USCCR staff will share the draft report with all panelists to ensure that testimony is accurately represented. Members of the public will also have the opportunity to comment.
- USCCR staff will send the report for the required Legal Sufficiency Review (LSR) through the Agency’s Office of General Counsel (OGC).
- The Committee expressed concern that the LSR should be completed prior to their final approval of the report. USCCR staff will attempt to expedite the review, though the OGC

is currently understaffed and may not have completed the required review prior to the next Committee meeting.

- The Committee determined to **postpone** their next scheduled meeting (November 18, 2016) to early December 2016 in order to improve the chance that the LSR can be completed prior to their next meeting.
- USCCR staff will poll Committee members to determine the date of the next meeting (December 2016).
- The Committee must meet to approve the report no later than December 11, 2016 when the present appointment terms expire. If the report is not approved prior to the appointment term expiration, the topic may not be addressed and the report may not be approved until the next Committee appointments are made.

**Meeting Adjourned:** The meeting adjourned at 3:27 PM EDT

**Next Meeting(s):** TBD